

OREGON STATE BAR

Board of Governors Agenda

Meeting Date: April 12, 2019
From: Amber Hollister, General Counsel
Re: CSF Claim No. 2018-80 Deveny (Hunter)

Action Requested

Consider Client Security Fund Committee's recommendation that the board grant claimant Aubrey Hunter's claim of \$50,000 in the matter of CSF Claim No. 2018-80 Deveny (Hunter).

Discussion

Aubrey Hunter hired Ms. Deveny on September 16, 2007 to represent him to recover damages for serious injuries sustained in a motor vehicle accident. The accident was major, and the other driver died. The Oregon State Police determined Mr. Hunter was not at fault.

In May 2009, Ms. Deveny settled the case for \$500,000 and Mr. Hunter executed a release. Later that month, Ms. Deveny received a check from Country Financial for \$500,000 in insurance proceeds. She told Mr. Hunter she had received the funds and was going to start negotiations with medical providers for settlement of outstanding medical bills.

After the settlement, she paid Mr. Hunter a total of \$10,000. For the next nine years, Ms. Deveny made various excuses to Mr. Hunter for why he did not receive any additional settlement funds. Eventually, Ms. Deveny claimed that Mr. Hunter's settlement funds were tied up in a bankruptcy action. She told Mr. Hunter that she expected a decision from the bankruptcy judge by August 2018, and he should be paid by the end of the year. No bankruptcy action, however, was ever at issue.

Ms. Deveny resigned Form B, effective July 26, 2018, while numerous disciplinary cases were pending. Mr. Hunter learned of Ms. Deveny's resignation from an Oregonian article published in the summer of 2018 and filed his claim. There are no funds remaining in Ms. Deveny's trust account.

At its March 2018 meeting, the Client Security Fund Committee reviewed Mr. Hunter's claim and unanimously voted to recommend that the Board reimburse him for \$50,000 of his loss. Mr. Hunter's claim would not ordinarily be eligible for reimbursement at this time, pursuant CSF Rule 2.1.6, because Ms. Deveny has not been found guilty of a crime and Mr. Hunter has not obtained a civil judgment against her. The Committee, however, voted to waive the requirement of CSF Rule 2.1.6 based on extreme hardship under CSF Rule 2.6, based upon his circumstances and the available evidence.

Staff recommends that the board approve the claim, consistent with the CSF Committee's recommendation.